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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,901	09/25/2003	Tomoaki Kawai	1232-5164	8028
27123 7590 01/10/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER NEGRON, WANDA M	
			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			01/10/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com  
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<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/671,901	<b>Applicant(s)</b> KAWAI ET AL.	
	<b>Examiner</b> Wanda M. Negrón	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,6-11,13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-11,13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 2, 4, 8, 10, 11, 13, 17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (Japanese Application Publication 2001-218194 A), and further in view of Maggenti et al. (US Application Publication No. 2002/0077136 A1), hereinafter referred to as Maggenti.**

Regarding **claim 10**, Kawai discloses an image delivery apparatus, i.e. an image distribution system (see paragraph [0008]), that delivers images acquired from an image pickup apparatus (16) to at least one of external devices, i.e. terminal unit 14, the image pickup apparatus being remotely controllable by the external devices (see paragraph [0017]), the image delivery apparatus comprising a data storage medium, i.e. a data-hold means (see paragraph [0010]), that stores a schedule which includes one or more sets of control data to control the image pickup apparatus, i.e. upload schedule information (434) and camera control pattern (433), and a priority level of authorization to control the image pickup apparatus for each of the sets, e.g. the priority given to the privilege control connection associated with the data-hold means that stores the schedule (see paragraph [0084]). Kawai also discloses a schedule execution unit, i.e. a

timer section 216 of camera server 11(see last sentence of paragraph [0054]), that starts control of the image pickup apparatus based on the schedule.

Kawai, however, fails to explicitly disclose a comparison unit that compares, in a case where a request from one of the external devices is received when the image apparatus is controlled based on a schedule, a priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received. In addition, Kawai fails to explicitly disclose a restriction unit that inhibits remote control of the image pickup apparatus by the requesting external device if the priority level of the set of control data is higher than the priority level of the requesting external device as a comparison result, and a control unit that executes the remote control of the image pickup apparatus by the requesting external device if the priority level of the set of control data is lower than the priority level of the requesting external device as a comparison result.

On the other hand, the concept and the advantage of comparing priority levels of a first and second device, and "granting floor control to the second communication if the second communication device has a higher or equal priority level", as evidenced by Maggenti (see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a comparison unit, a restriction unit, and a control unit in the image delivery apparatus taught by Kawai because it would provide the capability of interrupting the upload process whenever needed by a proper priority level user, e.g. a system administrator.

Regarding **claim 17**, Kawai discloses that the control data includes at least one of a zoom value, a pan control value and a tilt control value of the image pickup apparatus (see paragraph [0014]).

Method **claims 1 and 8** are drawn to the method of using the corresponding apparatus claimed in claims 10 and 17. Therefore method claims 1 and 8 correspond to apparatus claims 10 and 17 and are rejected for the same reasons of anticipation as used above.

Regarding **claims 19 and 20**, Kawai discloses a storage or recording medium readable and executable by a CPU with recorded program codes, which realize the function, described in claims 1 and 10 (see paragraph [0143]).

Regarding **claims 11 and 13**, Kawai as modified by Maggenti teach that, when the priority level of the requesting external device is higher than the priority level of the control data, said restriction unit does not inhibit remote control of the image pickup apparatus by the requesting external device, and a unit forcibly stops control by said schedule execution unit. More specifically, Maggenti in the abstract teaches that the "floor" is granted by the controller, i.e. it is not inhibited, to a second device if the second device has a higher or equal priority than the first device in control of the "floor".

Method **claims 2 and 4** are drawn to the method of using the corresponding apparatus claimed in claims 11 and 13. Therefore method claims 2 and 4 correspond to apparatus claims 11 and 13 and are rejected for the same reasons of obviousness as used above.

**Claims 6, 7, 9, 15, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai (Japanese Application Publication 2001-218194 A) and Maggenti as applied to claims 1-5, 8, 11-14, 17 and 19-20 above, and further in view of Vaios (US 6,271,752 B1).**

Regarding **claims 15 and 16**, as mentioned in the discussion of claim 10 above, Kawai as modified by Maggenti discloses all the limitations of the parent claim. Kawai as modified by Maggenti, however, does not teach a detection unit that detects presence of an abnormality based on an image acquired from the image pickup apparatus during control by said schedule execution unit, which is an unattended operation since no user is required to perform the task, and a saving unit that saves the image acquired from the image pickup apparatus when any abnormality is detected by said detection unit.

On the other hand, Vaios teaches a security surveillance system using a video camera with a motion sensor (see col. 3, lines 24-27), which transmits the video data obtained after a motion sensor is activated to a local computer system for storage (see col. 8, lines 50-58). However, Vaios does not explicitly teach that the detection is based on an image acquired from the camera. Official notice is taken that both the concept

and the advantage of calculating the difference between two frames to detect motion in a video-monitored area are well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate a motion detecting unit for detecting motion in a monitored area and a storage unit for storing the associated video images, as disclosed by Vaios, to the image pickup apparatus taught by Kawai because, even during an unattended operation of the image pickup apparatus, images associated with an unauthorized intrusion are stored for later review by the police or an authorized user.

Regarding **claim 18**, Vaios teaches that a tracking operation is performed for an object moving in an image acquired from the image pickup apparatus (see col. 8, lines 50-54).

Method **claims 6, 7, and 9** are drawn to the method of using the corresponding apparatus claimed in claims 15, 16, and 18. Therefore method claims 6, 7, and 9 correspond to apparatus claims 15, 16, and 18 and are rejected for the same reasons of obviousness as used above.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 2, 4, 6-11, 13, and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wanda M. Negrón/

Examiner, Art Unit 2622  
January 7, 2008



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER